

FORM PTO-1390
(REV. 10-2003)

U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE

ATTORNEY'S DOCKET NUMBER

**TRANSMITTAL LETTER TO THE UNITED STATES
DESIGNATED/ELECTED OFFICE (DO/EO/US)
CONCERNING A FILING UNDER 35 U.S.C. 371**

13533/48103

U.S. APPLICATION NO. (If known, see 37 CFR 1.5)

10/584303

INTERNATIONAL APPLICATION NO.

PCT/US2004/042953

INTERNATIONAL FILING DATE

22 December 2004

PRIORITY DATE(S) CLAIMED:

24 December 2003

TITLE OF INVENTION

**CREATION OF A BIOLOGICAL ATRIOVENTRICULAR BYPASS TO COMPENSATE FOR
ATRIOVENTRICULAR BLOCK**

APPLICANT(S) FOR DO/EO/US

Peter R. BRINK et al.

Applicants herewith submit to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☒ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2. ☐ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. ☒ This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.
4. ☐ The US has been elected (Article 31).
5. ☒ A copy of the International Application as filed (35 U.S.C. 371(c)(2))
 - a. ☒ is attached hereto (required only if not communicated by the International Bureau).
 - b. ☒ has been communicated by the International Bureau.
 - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☐ An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).
 - a. ☐ is attached hereto.
 - b. ☐ has been previously submitted under 35 U.S.C. 154(d)(4).
7. ☒ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))
 - a. ☐ are attached hereto (required only if not communicated by the International Bureau).
 - b. ☒ have been communicated by the International Bureau.
 - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
 - d. ☐ have not been made and will not be made.
8. ☐ An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. ☐ An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).
10. ☐ An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

Items 11 to 20 below concern document(s) or information included:

11. ☒ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
12. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13. ☒ A preliminary amendment.
14. ☒ An Application Data Sheet under 37 CFR 1.76.
15. ☐ A substitute specification and marked-up copy thereof.
16. ☐ A power of attorney and/or change of address letter.
17. ☐ A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821 - 1.825.
18. ☐ A second copy of the published international application under 35 U.S.C. 154(d)(4).
19. ☐ A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).
20. ☒ Other items or information: 1st Page of the Published Application, 4 (four) substitute sheets of formal drawings, an International Search Report, and a Written Opinion of the International Searching Authority.

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The following fees are submitted:

21. <input checked="" type="checkbox"/> Basic National Fee				\$ 300.00	\$ 300.00	
22. <input checked="" type="checkbox"/> Examination Fee						
—If International preliminary exam report prepared by USPTO and all claims satisfy provisions of PCT Article 33/(1)(4).....				\$ 100.00		
—All other situations.....				\$ 200.00	\$ 200.00	
23. <input checked="" type="checkbox"/> Search Fee						
—Search Fee (37 CFR 1.445(a)(2)) has been paid on the international application to the USPTO as ISA.....				\$ 100.00		
—International Search Report prepared and provided to the Office.....				\$ 400.00	\$ 400.00	
—All other situations.....				\$ 500.00		
TOTAL OF (21), (22), & (23) =					\$ 900.00	
<input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing on computer program listing filed in an electronic medium). The fee is \$250 for each additional 50 sheets of paper or fraction thereof.						
Total Sheets 16	Extra Sheets	Number of each additional 50 or fraction thereof (round up to a whole number)	RATE			
-100	/50=		x \$250	\$		
Surcharge of \$130.00 for furnishing the oath or declaration later than 30 months from the earliest claimed priority date (37 CFR 1.492(e)).					\$	
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE			
Total Claims	12 - 20 =	0	x \$50.00	\$ 0.00		
Independent Claims	1 - 3 =	0	x \$200.00	\$ 0.00		
MULTIPLE DEPENDENT CLAIM(S) (if applicable)			+ \$360.00	\$		
TOTAL OF ABOVE CALCULATIONS =					\$ 900.00	
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2.						
SUBTOTAL =					\$	
Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(f)).					\$	
TOTAL NATIONAL FEE =					\$ 900.00	
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet. \$40.00 per property.					\$	
TOTAL FEES ENCLOSED =					\$ 900.00	
				Amount to be refunded:	\$	
				Amount to be charged	\$ 900.00	

- a. ☐ A check in the amount of \$_____ to cover the above fees is enclosed.
- b. ☒ Please charge my Deposit Account No. 11-0600 in the amount of \$ 900.00 to cover the above fees. A duplicate of this sheet is enclosed.
- c. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 11-0600. A duplicate copy of this sheet is enclosed.
- d. ☐ Fees are to be charged to a credit card. **WARNING:** Information on this form may become public. **Credit card information should not be included on this form.** Provide credit card information and authorization on PTO-2038.

NOTE: Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.

SEND ALL CORRESPONDENCE TO:
 KENYON & KENYON LLP
 One Broadway
 New York, New York 10004
 CUSTOMER NO. 26646

Teresa A. Lavenue
 SIGNATURE
Teresa A. Lavenue (Reg. No. 47,737)
 NAME
June 23, 2006
 DATE